

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

OMAR GUTIERREZ,

Plaintiff,

v.

CHRISTOPHER J. BURCHINAL, *et al.*,

Defendants.

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: Case No. 2:22-cv-2039
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: Chief Judge Algenon L. Marbley
: Magistrate Judge Caroline H. Gentry
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ORDER

This matter is before this Court on the Magistrate Judge's Report and Recommendation ("R&R") that this Court dismiss Mr. Gutierrez's *pro se* action alleging ineffective assistance of counsel and prosecutorial misconduct. (ECF No. 13). This Court concluded that Plaintiff's Complaint failed to state a claim on which relief could be granted, but on March 13, 2023, granted Mr. Gutierrez leave to amend his Complaint to address certain factual deficiencies. (ECF No. 11). He never filed an Amended Complaint. The R&R recommending dismissal for failure to prosecute was issued on July 18, 2023, and advised Plaintiff that he had fourteen days to raise any objections. (ECF No. 13 at 3). The R&R also notified him that a failure to object within the applicable time period would result in a waiver of the right to have the district judge review the R&R *de novo*. (*Id.*).

This Court has reviewed the R&R. Noting no objections and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court **ADOPTS** the R&R (ECF No. 13) as this Court's findings of facts and law. This matter is **DISMISSED** for failure to prosecute.

IT IS SO ORDERED.

DATED: October 4, 2023


ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE